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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-799

12 **KATHLEEN MARIE YEATER**  
2340 Stearns Road  
13 Paradise, CA 95969  
14 Registered Nurse License No. 371214

**A C C U S A T I O N**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about March 31, 1984, the Board issued Registered Nurse License Number  
23 371214 to Kathleen Marie Yeater ("Respondent"). The registered nurse license was in full force  
24 and effect at all times relevant to the charges brought herein and will expire on January 31, 2012,  
25 unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct....,

11 (f) Conviction of a felony or of any offense substantially related to the  
12 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof.

13 6. Code section 2762 states, in pertinent part:

14 In addition to other acts constituting unprofessional conduct within the  
15 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
person licensed under this chapter to do any of the following:

16 (a) Obtain or possess in violation of law, or prescribe, or except as  
17 directed by a licensed physician and surgeon, dentist, or podiatrist administer to  
18 himself or herself, or furnish or administer to another, any controlled substance as  
defined in Division 10 (commencing with Section 11000) of the Health and Safety  
Code or any dangerous drug or dangerous device as defined in Section 4022.

19 (b) Use any controlled substance as defined in Division 10 (commencing  
20 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
21 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
in a manner dangerous or injurious to himself or herself, any other person, or the  
public or to the extent that such use impairs his or her ability to conduct with safety to  
the public the practice authorized by his or her license.

22 (c) Be convicted of a criminal offense involving the prescription,  
23 consumption, or self-administration of any of the substances described in  
24 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
record pertaining to, the substances described in subdivision (a) of this section, in  
which event the record of the conviction is conclusive evidence thereof.

#### 25 **COST RECOVERY**

26 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **CONTROLLED SUBSTANCE**

4 8. "Marijuana" is a Schedule 1 controlled substance as designated by Health and  
5 Safety Code section 11054, subdivision (d)(13) and a dangerous drug pursuant to Code section  
6 4022, in that it requires a prescription under federal and state laws.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Criminal Conviction)**

9 9. Respondent has subjected her license to discipline pursuant to Code section 2761,  
10 subdivision (f), in that on February 17, 2003, in the Superior Court, County of Butte, California,  
11 in the matter entitled *People v. Kathleen Yeater* (2002), Case No. SCR37538, Respondent was  
12 convicted by the court following her plea of no contest to a violation of Vehicle Code section  
13 23152, subdivision (a) (driving while under the influence of alcohol), a misdemeanor, and Penal  
14 Code section 148, subdivision (a)(1) (resist, obstruct, delay of peace officer), a misdemeanor,  
15 which included a special allegation for driving in excess of 30 miles per hour over the speed limit,  
16 to wit, 123 miles per hour while under the influence of alcohol. The circumstances of the crime  
17 are that on or about November 12, 2002, Respondent was stopped for speeding and was  
18 subsequently arrested for driving under the influence of alcohol. Further, Respondent was  
19 charged with resisting, obstructing, or delaying a peace officer attempting to discharge the duties  
20 of his/her employment. Respondent's blood alcohol level measured .13%.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Conviction of a Crime Involving the Consumption of Alcohol)**

23 10. Respondent has subjected her license to discipline pursuant to Code section 2761,  
24 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
25 subdivision (c), in that Respondent has been convicted of a crime involving the consumption of  
26 alcohol, as more particularly set forth in paragraph 9, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)**

3 11. Respondent has subjected her license to discipline pursuant to Code section 2761,  
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
5 subdivision (b), in that on or about on or about November 12, 2002, Respondent used alcohol to  
6 an extent or in a manner dangerous or injurious to herself or others, as more particularly set forth  
7 in paragraph 9, above.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Possession of Marijuana in Violation of Law; Self-Administration)**

10 12. Respondent has subjected her license to discipline pursuant to Code section 2761,  
11 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
12 subdivision (a), in that in or about 2005 through 2009, Respondent committed the following acts:

- 13 a. Respondent possessed the controlled substance Marijuana in violation of Code  
14 section 4060.  
15 b. Respondent self-administered the controlled substance Marijuana.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Registered Nursing issue a decision:

- 19 1. Revoking or suspending Registered Nurse License Number 371214, issued to  
20 Kathleen Marie Yeater;

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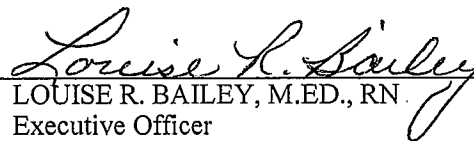
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1           2.     Ordering Kathleen Marie Yeater to pay the Board of Registered Nursing the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3; and,

4           3.     Taking such other and further action as deemed necessary and proper.  
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7  
8 DATED: \_\_\_\_\_

3/22/11



LOUISE R. BAILEY, M.ED., RN.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*